GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Public Servants - Panchayat Raj and Rural Development Department – Sri G.Sambasiva Rao, the then Deputy Executive Engineer, PRI. Sub-Division, Nellore District and now working as Deputy Executive Engineer, PIU. Sub-Division, Venkatagiri, SPSR Nellore District - Departmental proceedings initiated under Rule 20 of Andhra Pradesh Civil Services (Classification, Control & Appeal) Rules, 1991 – Article of Charges – Issued.

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PANCHAYAT RAJ & RURAL DEVELOPMENT (VIG.II) DEPARTMENT

G.O.Rt.No.23 **Dated:05.01.2018**

ORDER:

It is proposed to hold an inquiry against Sri G.Sambasiva Rao, the then Deputy Executive Engineer, PRI. Sub-Division, Nellore District and now working as Deputy Executive Engineer, PIU. Sub-Division, Venkatagiri, SPSR Nellore District in accordance with the procedure laid down in Rule 20 of the Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991.

2. The substance of the imputations of misconduct or misbehaviour in respect of which the inquiry is proposed to be held is set out in the enclosed statement of articles of charges (Annexure-I). A statement of the imputations of misconduct or misbehaviour in support of each article of charge is enclosed (Annexure-II). A list of documents by which, and a list of witnesses by whom, the articles of charges are proposed to be sustained are also enclosed (Annexure-III and IV).

3. Sri G.Sambasiva Rao, the then Deputy Executive Engineer, PRI. Sub-Division, Nellore District and now working as Deputy Executive Engineer, PIU. Sub-Division, Venkatagiri, SPSR Nellore District is directed to submit his written statement of defence within ten (10) days of the receipt of this order.

4. Sri G.Sambasiva Rao, the then Deputy Executive Engineer, PRI. Sub-Division, Nellore District and now working as Deputy Executive Engineer, PIU. Sub-Division, Venkatagiri, SPSR Nellore District is informed that an inquiry will be held only in respect of those articles of charge as are not admitted. He should, therefore, specifically admit or deny each article of charge.

5. Sri G.Sambasiva Rao, the then Deputy Executive Engineer, PRI. Sub-Division, Nellore District and now working as Deputy Executive Engineer, PIU. Sub-Division, Venkatagiri, SPSR Nellore District is further informed that if he does not submit his written statement of defence on or before the date specified in para 3 above or otherwise fails or refuses to comply with the provisions of rule 20 of Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991 or the order/directions issued in pursuance of the said rules, the Inquiry Authority may hold the inquiry against him ex-parte, based on the material available on record.

6. Sri G.Sambasiva Rao, the then Deputy Executive Engineer, PRI. Sub-Division, Nellore District and now working as Deputy Executive Engineer, PIU. Sub-Division, Venkatagiri, SPSR Nellore District is invited to Rule 24 of the Andhra Pradesh Civil Services (Conduct) Rules, 1964, under which no Government servant shall bring or attempt to bring any political or outside influence to bear upon any superior authority to further his interest in respect of matters pertaining to his service under the Government. If any representation is received on his behalf from another person in respect of any matter dealt with these proceedings it will be presumed that Sri G.Sambasiva Rao, the then Deputy Executive Engineer, PRI. Sub-Division, Nellore District and now working as Deputy Executive Engineer, PIU. Sub-Division, Venkatagiri, SPSR Nellore District is aware of such a representation and that it has been made at his instance and action will be taken against him for violation of rule 24 of the Andhra Pradesh Civil Services (Conduct) Rules, 1964.

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7. The receipt of this G.O. shall be acknowledged forthwith.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

Dr. K.S. JAWAHAR REDDY
PRINCIPAL SECRETARY TO GOVERNMENT

To
Sri G.Sambasiva Rao, the then Deputy Executive Engineer, PRI. Sub-Division, Nellore Dist. and now working as Deputy Executive Engineer, PIU. SD., Venkatagiri, SPSR Nellore District **through** the Engineer-in-Chief, Panchayat Raj, Andhra Pradesh, Vijayawada.
The Engineer-in-Chief, Panchayat Raj, Andhra Pradesh, Vijayawada (with a request to serve and return the acknowledged copy and Written Statement of Defense).

Copy to:

The Director General, Anti-Corruption Bureau, Andhra Pradesh, Vijayawada.
The Secretary, Andhra Pradesh Vigilance Commission, 5th Block, first floor, Sectt. buildings, Velagapudi, Guntur Disrict.
The Panchayat Raj & Rural Development (Estt.I) Department.
S.f./S.c.

//FORWARDED::BY ORDER//

SECTION OFFICER

ANNEXURE-I

STATEMENT SHOWING THE ARTICLE OF CHARGES FRAMED AGAINST SRI GUNTUR SAMBASIVA RAO, THE THEN DEE., PRI. SUB-DIVISION, NELLORE, AND NOW WORKING AS DEE., PIU. SUB-DIVISION, VENKATAGIRI, SPSR NELLORE DISTRICT.

CHARGE:-

That Sri Guntur Sambasiva Rao, S/o.Somalingam, Age:52 years, the then Deputy Executive Engineer, PRI. Sub Division, Nellore, and now working as Deputy Executive Engineer, PIU. Sub-Division, Venkatagiri, SPSR Nellore Dist. while working from 31.07.2009 to 13.07.2012 in Office of Deputy Executive Engineer, PRI. Sub – Division, Nellore has committed grave misconduct in as much as he is responsible for delay in progress of Pavilion Building work i.e., Sl. No. (Work No.3.2 i.e., Construction of Pavilion building at Podalakuru in SPSR Nellore District).

Thus, Sri Guntur Sambasiva Rao, the then Deputy Executive Engineer, PRI. Sub Division, Nellore, and now working as Deputy Executive Engineer, PIU. Sub-Division, Venkatagiri by his above mentioned acts has exhibited lack of integrity, devotion to duty, conduct un becoming of a Government servant and thereby contravened Rule 3(1) & (2) of Andhra Pradesh Civil Service (Conduct) Rules, 1964.

The Government Servant has therefore, rendered himself liable for Departmental Action for major penalty.

Dr. K.S. JAWAHAR REDDY
PRINCIPAL SECRETARY TO GOVERNMENT

SECTION OFFICER

ANNEXURE –II

STATEMENT OF IMPUTATIONS OF MISCONDUCT AND MISBEHAVIOUR IN SUPPORT OF ARTICLE OF CHARGES FRAMED AGAINST SRI GUNTUR SAMBASIVA RAO, THE THEN DEE., PRI. SUB DIVISION, NELLORE, AND NOW WORKING AS DEE., PIU. SUB-DIVISION, VENKATAGIRI, SPSR NELLORE DISTRICT.

Sri Guntur Sambasiva Rao, the then Deputy Executive Engineer, PRI. Sub Division, Nellore, and now working as Deputy Executive Engineer, PIU. Sub-Division, Venkatagiri, SPSR Nellore District, formerly worked at O/o PRI Sub-Division, Venkatagiri, SPSR Nellore from 31.07.2009 to 13.07.2012 and he is a native of Jandrapeta, Chirala, Prakasam Dist. He joined in Govt. Service on 21.03.1989 as Assistant Executive Engineer and promoted as DEE and presently working at PIU (Panchayat Raj) Sub Division, Venkatagiri. His Date of Birth is on 30.04.1963 and date of retirement on attaining the age of superannuation is 30.04.2023. He is here-in-after referred to as Government Servant.

On receipt of the petition from the 12 public representatives of SPSR Nellore District with allegation i.e., Gross misuse of local bodies funds with the powers and functions of Zilla Parishad Chairman, SPSR Nellore District Sri Kakani Govardhan Reddy in collusion with his most trusted ZPTC members and some other Panchayat Raj Engineers in the execution of Government Schemes under MGNREGS, local bodies funds and other works executing on nomination basis and using poor / low quality works relating to the Construction of new ZP building and other works and measurements are not being proper misappropriated more than two crores of rupees.

The Regular Enquiry was entrusted to Sri B.Sarath Babu, the then Deputy Superintendent of Police, Anti-Corruption Bureau, Nellore Range, Nellore on 07.02.2011 while enclosing the petitions wherein the allegations are levelled against Zilla Prarishad Chairman, Sri Kakani Govardhan Reddy, K.Sudhakar Rao, Assistant Executive Engineer, and some other Panchayati Raj Engineers. The petitioners are all ZPTC Members and Mandal Parishad Presidents of SPSR Nellore District. The then Inquiry Officer i.e., Deputy Superintendent of Police, Anti-Corruption Bureau, conducted regular enquiry during which he secured records of the files from the offices of Superintending Engineer, Panchayati Raj, Nellore, Zilla Parishad Office, Nellore, Executive Engineer, Panchayati Raj Department, Nellore and from some of the offices of Mandal Parishad Development Offices Nellore District. During the course of Regular Enquiry the Inquiry Officer along with Deputy Director (Engineering), Anti-Corruption Bureau, Hyderabad inspected the said works at random and examined the above works along with concerned Deputy Executive Engineer and Assistant Executive Engineer of Panchayat Raj Department, SPSR Nellore District.

In this connection, the Deputy Executive Engineer furnished the evaluation report of the said work i.e., construction of Pavilion Building at Podalakur.

That Sri S.Rama Kota Reddy, the then Superintending Engineer (Panchayat Raj) Nellore has accorded the technical sanction vide Cr.No.Nil/09-11 dated:19.04.2010 for the work of Construction of Mini Sports Stadium and the Construction of Pavilion Building at Podalakuru in Nellore District. The Tender notice was issued vide tender notice no TO/02/2010-11 dated:12.04.2010 with an estimated contract value (ECV) of Rs. 19,53,479.00 with the SSR 2009-10. The tenders were invited for this work through e-procurement vide tender notice no TO/01/2010-11 on 12.04.2010.

In response to the tender notice, 7 bidders have participated in bidding as per the evaluation report of the tenders, the Contractor, Sri B.Malayadri Reddy, Kaluvoya Mandal, SPSR Nellore District stands first lowest, with contract value was Rs.17,60,084.00 @ 9.90% less than the ECV of Rs.19,53,479.00. The agreement was concluded vide agreement No.Nil/2000-10 dated:31.05.2010 and time fixed for completion work was 6 months as per the condition of the agreement.

P.T.O.

The work commenced on 14.06.2010 and stated that the work has been completed on 24.11.2010. As per the agreement conditions, the time for completion of the work was 6 months i.e., 13.12.2010. But, as on the date of inspection 13.04.2011, the work is still under progress and physical status is observed as follows.

- Roof slab laid except stair case area.
- Brick masonry for external walls was completed up to roof level.
- Brick masonry for internal up to lintel level
- No joinery was done as on the date of inspection.

Therefore, the rate of progress is slow and not as per essence of the Contract. The above physical status and measurements were observed in the presence of the Investigating Officer and Engineers of the Panchayat Raj Department.

The M-Book No.624-A/2009-100 was verified and the physical measurements were found to be tallied and the payment to the contractor appears to be regular except in certain period due to paucity of funds.

As per the guidelines in G.O. No.94, Irrigation and Command Area Development specifies that the Tender Notice for any should be issued only after approving the technical sanction estimate with realistic view by the competent authority. But, in this the tender notice was issued on 12.04.2010 and the technical sanction was accorded on 19.04.2010, the action of Zilla Parishad Engineers in this regard is not as per the instructions in the above Government Order. Further, the Engineer In-charge have not maintained the rate of progress with reference to the essence of the contract.

During the course of further enquiry the enquiry officer obtained records from the DD, Engineering along with his report dated 08.09.2006 which revealed that the Agreement for the above work made on 31.05.2010 with an intention to complete the work by 30.11.2010 and on the date of inspection on 13.04.2011, the value of work done was Rs.9.2 lakhs i.e., about 52.2% of the ECV, thus the rate or progress as on date of inspection was 50%.

Thus, it is evident that the Government Servant is responsible for delay in progress of the Pavilion building work at Podalakur SPSR Nellore District.

Thus, Sri Guntur Sambasiva Rao, the then Deputy Executive Engineer, PRI. Sub Division, Nellore, and now working as Deputy Executive Engineer, PIU. Sub-Division, Venkatagiri by his above mentioned Acts, has exhibited lack of integrity, devotion to duty, conduct un becoming of a Government Servant and there by contravened of Rules 3(1) & (2) of A.P. Civil Service (Conduct) Rules, 1964.

The Government Servant has therefore, rendered himself liable for Departmental Action for major penalty.

Dr. K.S. JAWAHAR REDDY
PRINCIPAL SECRETARY TO GOVERNMENT

SECTION OFFICER

ANNEXURE-III

LIST OF DOCUMENTS BY WHICH THE ARTICLE OF CHARGES FRAMED AGAINST SRI GUNTUR SAMBASIVA RAO, THE THEN DEE., PRI., SUB DIVISION, NELLORE, AND NOW WORKING AS DEE, PIU. SUB – DIVISION, VENKATAGIRI, SPSR NELLORE DISTRICT ARE PROPOSED TO BE SUSTAINED

1) Proceedings No.DSA/Infra/3662/2010 dated:30.03.2010 of the District Collector, Nellore.

2) CR No. /2010-11 dated:19.04.2010 of the Superintending Engineer, Panchayat Raj Department, Nellore.

3) Agreement No.06/2010-11, dated:31.05.2010 of the Superintending Engineer, Panchayat Raj Circle, Nellore.

4) The Measurement Book No.624-A/2009-100.

5) The G.O. No.94 Irrigation and Command Area Dev.

6) The Tender Notice & The Technical Sanction Order.

7) Evaluation report of Deputy Director (Engg.), ACB., A.P., Hyderabad.

8) Tender process file for construction of Pavilion Building at Podalakur.

9) DD (Eng.) ACB clarification report Dt:08.09.2016.

Dr. K.S. JAWAHAR REDDY
PRINCIPAL SECRETARY TO GOVERNMENT

SECTION OFFICER

ANNEXURE-IV

LIST OF WITNESSES BY WHOM THE ARTICLES OF CHARGES FRAMED AGAINST SRI GUNTUR SAMBASIVA RAO, THE THEN DEE., PRI. SUB DIVISION, NELLORE AND NOW WORKING AS DEE., PIU. SUB - DIVISION, VENKATAGIRI, SPSR NELLORE DISTRICT ARE PROPOSED TO BE SUSTAINED.

1) Sri B.Malyadri Reddy, Occ. Contractor, Putta Veedhi, House Thota, Buchireddy Palem, SPSR Nellore Dist.

2) Sri B.Sarath Babu, the DSP., ACB., Nellore Range, Nellore presently working as Addl. SP (Admn.), Nellore, SPSR Nellore Dist.

3) Sri T.Prabhakar, DSP., ACB., Nellore Range, Nellore.

4) Sri B.Sudershan Reddy, Deputy Director (Engg.), ACB., AP., Hyderabad presently working in Telangana State.

Dr. K.S. JAWAHAR REDDY
PRINCIPAL SECRETARY TO GOVERNMENT

SECTION OFFICER